

REMARKS

By this Amendment, Applicants propose to cancel non-elected claims 1-48 and 57-118 without prejudice or disclaimer. Applicants reserve the right to re-present the subject matter of claims 1-48 and 57-118 in a related application.

In the outstanding final Office Action, claims 49-51, 54, and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,432,185 to Geisinger (“Geisinger”); and claims 52, 53, 56, and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Geisinger in view of U.S. Patent No. 6,453,643 to Buscherini et al. (“Buscherini”).

Applicants respectfully traverse the rejection of independent claim 49 as being anticipated by Geisinger for the reasons provided in the Amendment filed on July 13, 2005, and additionally, for reasons currently provided herein.

In particular, Geisinger fails to disclose or suggest all of the elements of independent claim 49. Geisinger discloses a pallet wrapper having a roping mechanism (42) including an arm (44) that engages a web (50) to gather or push together the web (50) into a roped shape (46) and wedge it into a loop (45) of the arm (44). (Column 4, Lines 63-68). Geisinger fails to disclose or suggest rolling a portion of a film web into a cable, as recited in claim 49. Rather, Geisinger’s folded web is a conventional rope (46) of film, created by gathering the web (50). FIGS. 2, 4-7, and 8-13 in Geisinger show the process and result of folding/gathering web 50 into rope 46. This conventional gathered rope (46) does not have structural integrity, as explained in the specification at page 6, paragraph 12. These arguments were previously presented in the Amendment filed on July 13.

In response to these arguments, the Examiner argues on page 4 of the final Office Action that Geisinger discloses rolling a portion of the film web into a cable. The Examiner states that:

Geisinger clearly discloses the claimed “rolling a portion of the film web into a cable;”, which is clearly shown in FIG. 4; via web 50 is rolled out from its roller toward the pallet to form a cable around the package as shown in FIGS. 5 and 6. Alternatively, web 50 is rolled around the package as shown in FIGS. 5-7 and 14; via rolled members 43, 44, 47, and loop 45.”

Applicants respectfully traverse these arguments presented by the Examiner. With regard to FIGS. 4-7 and 14, Geisinger only shows folding/gathering the web 50 as opposed to rolling a portion of the web 50 into the rope 46. The assertion that the rope 46 is folded/gathered is further supported by the visible folds shown on the rope 46 and the web 50 in FIGS. 4-7 and 14. Furthermore, while the web 50 may be wrapped around the package via members 43, 44, 47, and 45, it is irrelevant to the claimed “rolling a portion of the film web into a cable.” The fact remains that as the web 50 travels over the members 43, 44, 45, and 47, it is folded/gathered into rope 46 and is not rolled. Thus, Geisinger only discloses folding/gathering the web 50 into the rope 46, rather than rolling a portion of a film web into a cable, as recited in claim 49.

The distinction between rolling film into a cable as recited in claim 49 and gathering film into a conventional rope as performed by Geisinger, as well as some of the benefits achieved by rolling the film according to the present invention, are discussed on pages 17-19, paragraphs 66-70, of the specification. In particular, rolling the film results in a cable of film that is substantially stronger than a web of film and has structural integrity that a conventional gathered rope of film lacks. This structural integrity makes the cable stronger and less susceptible to damage than a conventional

gathered rope of film. The Examiner's attention is directed to FIG. 2C of this application to view a rolled portion of film.

Figures 4 and 6 of Geisinger show gathering and folding the film web into a conventional rope of film. Nothing in Geisinger discloses or suggests rolling a portion of the film web to form a cable.

Accordingly, for at least the above reasons, Geisinger does not disclose or suggest the invention as set forth in independent claim 49, and therefore cannot anticipate claim 49 or claims 50, 51, 54, and 55 that depend either directly or indirectly therefrom. Reconsideration is requested.

Applicants also respectfully traverse the rejection of claims 52, 53, 56, and 57 as being unpatentable over Geisinger in view of Buscherini. Claims 52, 53, 56, and 57 depend either directly or indirectly from independent claim 49. As discussed above with regard to independent claim 49, Geisinger does not disclose or suggest rolling a portion of a film web into a cable, as recited in independent claim 49. Buscherini does not remedy this deficiency of Geisinger. For at least this reason, neither Geisinger or Buscherini, either alone or in combination, renders claims 52, 53, 56, and 57 obvious. Reconsideration is requested.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Applicants respectfully request that this Reply under 37 C.F.R. § 1.116 be entered by the Examiner. Applicants submit that the proposed cancellation of claims 1-48 and 57-118 does not raise new issues or necessitate the undertaking of any

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additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By:


Elizabeth M. Burke
Reg. No. 38,758